

BEST AVAILABLE COPY**REMARKS**

The Examiner rejected claims 39 and 40, the only claims at issue, under 35 USC §102 in view of U.S. Patent No. 4,555,292 and U.S. Patent No. 4,622,257, both to Thompson. Applicant has amended the claims to distinguish over the prior art of record.

The invention, as discussed at paragraph [0038] and shown in Figs. 6 and 9, is a flooring unit that has a matrix material (such as epoxy resin as one example) which the reinforcing fibers and the particulate (such as stone as one example) are coated by. This matrix material locks the fibers and particulate together into a unitary whole that is very strong and very wear-resistant.

One of the reasons Applicant's flooring unit is very strong is the fibers and the matrix form a composite. Composites are known to be very strong, especially those made of epoxy resin combined with glass fibers, as in one embodiment of Applicant's invention. Another reason the flooring unit is very strong is the particulate mixed with the matrix material to form an aggregate composite. The particles, such as small stones, are adhered to each other and to the glass fiber layer by the same matrix material that saturates through and adheres the reinforcing fibers together. Thus, all of the components of the flooring unit are bonded by the matrix material, which is very different from the prior art references.

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Both of the Thompson patents teach to form a non-skid panel or tile by adhering different materials together, such as adhering grit particles to the surface of plywood or cement board. Plywood is made of layers of wood veneer glued together with the wood grain of each layer oriented perpendicular to the grain of adjacent layers. Cement board is made by bonding together Portland cement, crushed limestone, volcanic ash and short fibers (see '257 patent at column 3, lines 57-60 and '292 patent at column 4, lines 9-12). To each of these substrate materials is applied an adhesive, followed by a layer of grit. The grit layer has a thickness approximately equal to the size of the particulate of the grit (see '257 patent at column 3, lines 25-35 and column 4, lines 11-15; and '292 patent at column 3, lines 55-66).

There are two substantial structural differences between Applicant's flooring unit and the prior art. First, the matrix material of Applicant's flooring unit surrounds the reinforcing fibers and the particulate, whereas the prior art teaches to bond grit to the exterior of an existing panel. Second, Applicant's particulate layer is at least two particulate particles thick, which is thicker than just one particle as in the prior art. The results of these structural differences are significant.

The Thompson patents teach to adhere grit particles to the outer surfaces of the tiles or panels, but there is no teaching that the adhesive should coat or surround the fibers that are part of the panel. Instead, there is a bonding interface in the Thompson patents between the particulate and the dissimilar panel or tile substrate that contains the fibers. Such an interface presents a significant weakness inherent in any bonding of dissimilar materials. On the contrary, Applicant's claimed flooring unit has the same

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matrix material surrounding and saturating through the fibers and the particulate, and this avoids a bonding interface between two dissimilar materials. Thus, the components of Applicant's flooring unit are unified, whereas Thompson's are glued as layers.

Additionally, the Thompson patents teach to form a grit layer equal in thickness to the size of the grit particles. This does not provide the strength enhancement that Applicant's flooring unit's particulate layer provides, because the grit layer of the Thompson patents has no substantial thickness that could aid in its strength. Applicant's thicker layer clearly provides enhanced strength, due to the composite strength of particulate in the matrix material. Applicant's multi-particle thickness wear surface will also provide long-term wear that is not taught by Thompson patents' thin grit layer.

In summary, therefore, Applicant's amended claims recite structural elements not found in the prior art. Furthermore, Applicant's claimed invention would not have been obvious from the prior art references. This is due to the fact that no reference teaches to use the matrix material that surrounds the reinforcing fibers to also surround the particulate of the wearing layer. Nor does any reference teach a multi-particle thickness wear layer. Therefore, the amended claims are allowable.

Applicant's claim amendments are supported by the disclosure at paragraph [0038] and Fig. 9. No new matter is entered. Therefore, reconsideration and allowance are respectfully requested.

The examiner is authorized to communicate with the undersigned attorney by email by the following recommended authorization language: Recognizing that Internet communications are not secure, I hereby authorize the USPTO to communicate with me

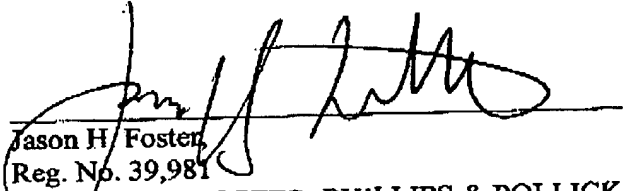
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concerning any subject matter of this application by electronic mail. I understand that a copy of these communications will be made of record in the application file.
(authorization pursuant to MPEP §502.03)

The Commissioner is authorized to charge Deposit Account No. 13-3393 for any insufficient fees under 37 CFR §§ 1.16 or 1.17, or credit any overpayment of fees.

Respectfully submitted,

22 Sept-2005
Date of Signature


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